

BAY AREA AIR POLLUTION CONTROL DISTRICT

ALAMEDA COUNTY

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December 11, 1978

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MARIN COUNTY

Stuart C. Cullen

TO ALL INTERESTED PARTIES

FROM: AIR POLLUTION CONTROL OFFICER

NAPA COUNTY

Sam Chapman
(Chairperson)

SUBJECT: BREAKDOWN REGULATION

SAN FRANCISCO COUNTY

Alfred J. Nelder
Peter Tamaras

SAN MATEO COUNTY

Edward J. Bacciocco, Jr.
Marguerite Leipzig

As you probably know, EPA has disapproved all upset-breakdown rules in the State of California. We have been working with the EPA and ARB to develop a regulation which would satisfy their requirements.

SANTA CLARA COUNTY

Ralph P. Doetsch, Sr.
Ruth Koehler
Daniel A. McCorquodale
(Vice Chairperson)
Geraldine F. Steinberg

The Board of Directors has set a public hearing for January 3, 1979 to consider a breakdown regulation.

SOLANO COUNTY

James Lemos

A copy of the proposed regulation is attached for your information. If you have any comments, please let us know as soon as possible.

SONOMA COUNTY

Gerald M. Poznanovich

DJC:tmc

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REGULATION 15

BREAKDOWN CONDITIONS; EMERGENCY VARIANCES

1. Definition

For the purposes of this rule, a breakdown condition means an unforeseeable failure or malfunction of any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these rules and regulations, or by state law, where such failure or malfunction:

- a. is not the result of intent, neglect, or disregard of any air pollution control law or rule or regulation;
- b. is not the result of improper maintenance;
- c. does not constitute a nuisance;
- d. is not a recurrent breakdown of the same equipment.

2. Breakdown Procedures

- a. The owner or operator shall notify the air pollution control officer of any occurrence which constitutes a breakdown condition; such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence, and shall be reported to the District office immediately with due consideration to public safety, including the hazard of fire and explosion.
- b. The air pollution control officer shall establish written procedures to ensure that all reported breakdown occurrences are handled uniformly to final disposition.

- c. Upon receipt of notification pursuant to subparagraph 2.a. the air pollution control officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the air pollution control officer determines that the occurrence does not constitute a breakdown condition, the air pollution control officer may take appropriate enforcement action, including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.

3. Disposition of Short-Term Breakdown Conditions

- a. An occurrence which constitutes a breakdown condition, and which persists only until the end of the production run or 24 hours, whichever is sooner shall constitute a violation of any applicable emission limitation or restriction prescribed by these rules and regulations; however, the APCO may elect to take no enforcement action if the owner or operator demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:

- (1) The owner or operator submits the notification required by subparagraph 2.a.; and
- (2) the owner or operator immediately undertakes appropriate corrective measures and comes into compliance, or elects to shut down for corrective measures before commencement of the next production run or within 24 hours, whichever is sooner. If the owner or operator elects to shut down rather than come into immediate compliance, immediate steps must be taken wherever possible to minimize the

impact of the breakdown within the 24-hour period.

- (3) The breakdown does not interfere with the attainment and maintenance of any national ambient air quality standard.

- b. An occurrence which constitutes a breakdown condition shall not persist longer than the end of the production run or 24 hours, whichever is sooner unless the owner or operator has obtained a variance based upon emergency conditions in accordance with Hearing Board rules.

4. Reporting Requirements

Within thirty days after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the air pollution control officer which includes:

- a. a statment that the occurrence has been corrected, together with the date of correction and proof of compliance;
- b. a specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the air pollution control officer to determine whether the occurrence was a breakdown condition;
- c. a description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future;
- d. an estimate of the emissions caused by the occurrence; and
- e. pictures of the equipment or controls which failed, if available.

5. Burden of Proof

The burden shall be on the owner or operator of the source to provide sufficient information to demonstrate that a

breakdown did occur. If the owner or operator fails to provide sufficient information, the air pollution control officer shall undertake appropriate enforcement action.

6. Failure to Comply with Reporting Requirements

Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs 2.a. and 4.a. through 4.e. of this rule shall constitute a separate violation of this rule.

7. False Claiming of Breakdown Occurrence

It shall constitute a separate violation of this rule for any person to file with the air pollution control officer a report which falsely, or without probable cause, claims that an excessive emission is the result of a breakdown.

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